Def. Doc. 2843

Excerpt from INTERNATIONAL LAW, Second Edition, by Charles G. Fenwick

(P.86,87)

In the second place the state, being composite in nature, cannot act as a physical unit. It can only act through designated agents, its public officers, who by reason of constitutional privilege or de facto control are recognized by other states as the legal representatives of the corporate body. The acts of these officers are attributed by law to the state, and the state is therefore held responsible for them. But the officers of the state do not thereby become "subjects" of international law; and the rul of international law are not binding upon them personally, but only upon the state that they represent. In like manner international law does not deal directly with the individual citizens of the state, so that in a strict legal sense such individuals have neither rights nor duties under international law. It is true that the state is frequently engaged in protecting the lives and property of its nationals outside its jurisdiction, and in so doing it may give the appearance of asserting international "rights" on the part of its nationals; or again, it may protest against illegal conduct on the part of nationals of another state, as in the case of violations of the law of contraband and blockade. The language of diplomatic correspondence which thus suggests a direct relationship of individuals to international law is strengthened by the fact that on occasion individuals have been permitted to appear before international courts on behalf of their personal claims. Nevertheless individuals under such circumstances are not "subjects" but merely "objects," of international law. Their apparent international rights and duties are merely the rights and duties of their respective governments to assert claims in their behalf or to redress wrongs arising indirectly from their conduct. Strictly speaking, international law, as it exists today, knows only the state of which such individuals are nationals and will protect their rights or punish their acts only through the interposition of their state. A number of authors hold that individuals as such are subjects of international law, that there are natural rights possessed by a man as against other nations as well as against his own nation. This position, however, while explainable as an inference from the way in which states find it practically conveni to enforce certain rules of international law, cannot be reconcile with the present formal basis of international relations.

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